

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action of October 11, 2007. Claims 1-26 were examined in that Office Action, and all claims were rejected. By the present Amendment, Applicants have amended claim 13. No claims have been canceled or added. Therefore, claims 1-26 remain present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

#### **Claim Rejections under 35 U.S.C. § 102**

Claims 1-7, 9-11, 13-24, and 26 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,191,151 B1 to Nosek ("**Nosek**").

Applicants submit that Nosek discloses a "system... for making proceeds of an ACH (Automated Clearing House) transaction available to a user before the transaction is completed. When the user requests payment or transfer of funds to an entity... via [the] ACH entry, the system *authorizes the amount against a credit source of the user*. [T]he system *places a hold on the credit source* in the amount of the transaction. The ACH entry is then initiated and the desired funds are released. If the ACH transaction is [subsequently] rejected or returned, the *user's credit source is charged [the ACH transaction amount]*." (See Nosek at Abstract, See also Nosek at Fig. 2, reference nos. 206-222; emphasis provided).

In contrast, claim 1 and similarly claims 13, 18 and 24 recite that operation of "determining whether to *float the payment [towards the credit account]* from an analysis of the *history of profile records*." (emphasis provided). Applicants respectfully submit that Nosek fails to teach or suggest such a feature. Firstly, the system in Nosek does not make a determination of whether to float a payment based on a history related to a credit account. Instead, Nosek simply determines whether there is a credit source with sufficient credit available to cover the payment, and if so, the payment is processed. No examination of the credit source in order to determine the creditworthiness of the credit source is executed; no analysis of the history of the credit source is conducted. Essentially, the system in Nosek blindly backs an ACH transaction based on the existence of a credit source without knowing the viability of the credit source.

Consequently, the system in Nosek suffers from the same problem in which claim 1 addresses by analyzing the history of profile records for a credit account in order to determine whether or not to float a payment. Applicants submit that Nosek fails to perform such a determination.

Secondly, since claim 1 is directed at paying a credit account, such a payment could not be backed by another credit account (or credit source). Therefore, since it is readily apparent that a payment to a credit account cannot be backed by another credit source, and Nosek's system backs the ACH payment with a credit source, Nosek's system fails to teach or suggest making a payment to a credit account.

Therefore, for at least these reasons, Applicants submit that claim 1, and similarly claims 13, 18, and 24 are patentable over Nosek.

Furthermore, claims 2-7, 9-11, 14-17, 19-23 and 26 depend from independent claims 1, 13, 18 and 24. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 2-7, 9-11, 14-17, 19-23 and 26 are also allowable. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### **Claim Rejections under 35 U.S.C. § 103**

Claims 8 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nosek and in view of U.S. Patent No. 5,774,883 to Andersen, et al. ("**Andersen**").

Claim 12 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nosek and in view of Official Notice.

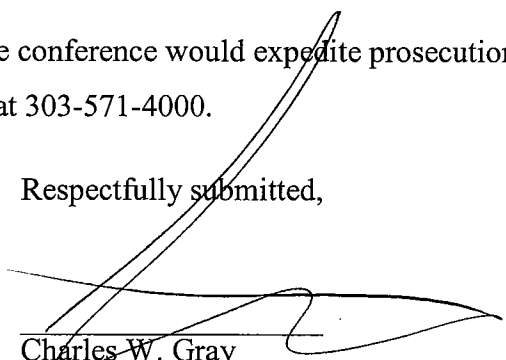
Claims 8, 12 and 25 depend from one of independent claims 1 and 24. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 8, 12 and 25 are also allowable. Accordingly, Applicants respectfully request that these rejections be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Charles W. Gray  
Reg. No. 61,345

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
Attachments  
CWG:slb  
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